

1 Thomas J. Nolan, SBN 48413
2 NOLAN, ARMSTRONG & BARTON LLP
3 600 University Avenue
4 Palo Alto, California 94310
5 650/326-2980 – Telephone
6 650/326-9704 – Facsimile
7 tnolan@nablaw.com

8 Attorneys for Defendant
9 John Quoc Le

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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 UNITED STATES OF AMERICA,
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16 Plaintiff,
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18 vs.
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20 HAI MANH HOANG, ET AL.,
21
22 Defendants.

Case No.: CR 10-00731-LHK

23 **STIPULATION AND ~~PROPOSED~~**
24 **ORDER REQUESTING CONTINUANCE**
25 **OF STATUS CONFERENCE AS TO**
26 **DEFENDANT JOHN QUOC LE ONLY**

27 Defendant JOHN QUOC LE (“Le”) and Plaintiff UNITED STATES OF AMERICA, by and
28 through their respective counsel, hereby stipulate and agree that, with the Court’s approval, Le’s
Status Conference, currently set for Wednesday, October 12, 2011 at 10:00 a.m., shall be moved to
Wednesday, November 16, 2011 at 10:00 a.m. This Stipulation is with respect to Le only. The
parties do not request that the Status Conferences of Le’s co-defendants be moved. The parties also
stipulate and agree that, with the Court’s approval, the time shall be excluded for the purpose Speedy
Trial Act computations under 18 U.S.C. § 3161(h)(7).

The reason for this stipulation is that Le is currently engaged in negotiations with the United
States. Were counsel to appear on October 12, it would only be for the purpose of requesting a
continuance to allow the negotiations to proceed. Counsel for Le and for the government require this

1 additional time in order effectively to prepare for and engage in the negotiations. Additionally,
2 counsel for Le requires time to conduct additional investigation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

3 Le's initial appearance before Magistrate Judge Grewal was on April 22, 2011, and he
4 appeared again on April 27 and May 5 for detention hearings. He appeared before this Court for
5 status conferences on April 27, May 25, and July 20; and he appeared before Magistrate Judge
6 Grewal for detention hearings on April 27 and May 5. The Court excluded the time between the
7 April 27 and May 25 appearances. There is no trial date set in this case.
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11 IT IS SO STIPULATED.

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13 Dated: October 5, 2011

NOLAN, ARMSTRONG & BARTON LLP

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15 By /s/ Thomas J. Nolan

16 Thomas J. Nolan
17 Attorneys for Defendant
JOHN QUOC LE

18 Dated: October 5, 2011

UNITED STATES ATTORNEY'S OFFICE

19
20 By /s/ Michelle Justine Kane

21 Michelle Justine Kane
22 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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1 ~~[PROPOSED]~~ **ORDER**

2 GOOD CAUSE APPEARING, upon stipulation of defendant Le and the United States, IT IS
3 HEREBY ORDERED that the status conference currently set for defendant Le on Wednesday,
4 October 12, 2011 at 10:00 a.m., shall be continued to Wednesday, November 16, 2011 at 10:00 a.m.
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6 IT IS FURTHER ORDERED that the time between October 12 and November 16, 2011, are
7 excluded for the purpose Speedy Trial Act computations under 18 U.S.C. § 3161(h)(7) for the
8 reasons stated above and in the interests of justice.
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10 **IT IS SO ORDERED**

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13 Dated: October 11, 2011


HON. LUCY H. KOH
United States District Court Judge

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17 **ATTESTATION PER GENERAL ORDER 45**

18 I, Thomas J. Nolan, am the ECF User whose ID and password are being used to file this
19 Stipulation. In compliance with General Order 45, X.B., I hereby attest that Michelle Kane has
20 concurred with this filing.
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